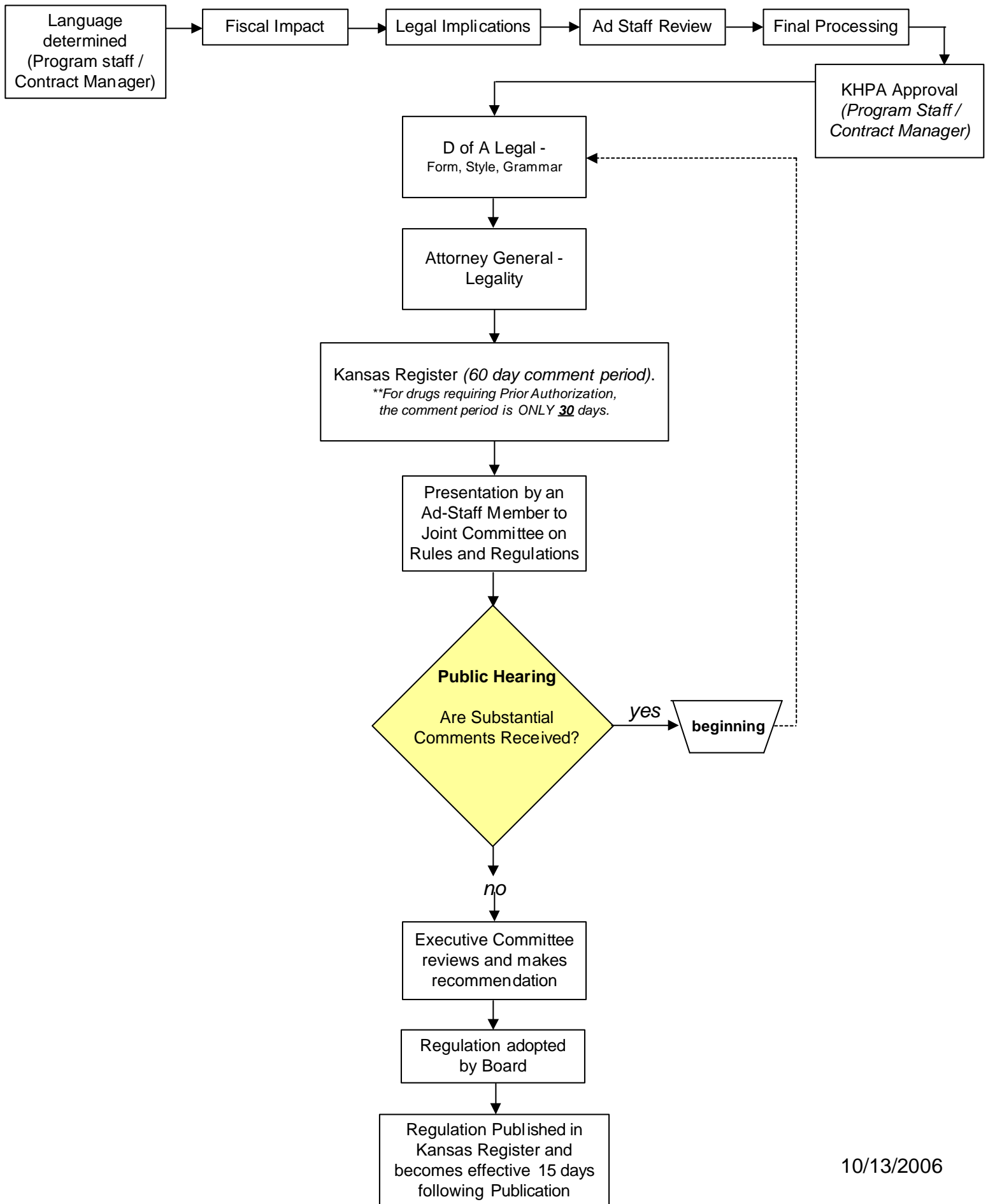


The Regulation Process



Summary of the Rules and Regulations Process

1. **Drafting.** KHPA staff draft a proposed new regulation or an amendment to an existing regulation.
2. **Assessing the economic impact.** Staff prepare an “Economic Impact Statement.”
3. **Form, style and grammar review.** Staff send the draft regulation to the Secretary of Administration Legal Section for review of form, style, and grammar. KHPA staff work cooperatively with the Department of Administration Legal Section.
4. **Legal review.** Staff send the draft to the Attorney General for review of legality. If the Attorney General does not approve the legality of the regulation, we cannot proceed.
5. **Publishing notice in the Kansas Register.** Staff prepare a notice for filing in the Kansas Register. The notice must:
 - A. Describe the regulation.
 - B. Summarize the economic impact of the regulation
 - C. Notify the public of a 60 day comment period (30 days for changes involving drug coverage or reimbursement).
 - D. List where any person may get a copy of the regulations or a copy of the Economic Impact Statement.
 - E. List where any person may send comments (we accept e-mailed comments).
 - F. List the date, time, and place of a “public hearing.”
6. **Conducting a public hearing.** At the public hearing:
 - A. Either staff or the Authority can conduct.
 - B. Staff allow any interested person to present views orally or in writing.
 - C. Staff keep written minutes or may tape-record the hearing.
 - D. Staff must make a list of people who attended the hearing.
 - E. Staff must keep the minutes, any tape-recording, and list of attendees for three years.
7. **Adopting the regulation.** The Kansas Health Policy Authority adopts the regulation:
 - A. Under Kansas law, a board or authority must adopt regulations “at a meeting which is open to the public.”
 - B. Under Kansas law, the proposed regulation must receive approval by a roll call vote of a majority of the total membership.
 - C. The adoption itself may not be delegated to staff.
 - D. The “open meeting” can be by telephone, but a telephone meeting must meet the requirements of the The Kansas Open Meetings Act. That is, KHPA must: (1) send advance notice to all people who have requested notice of all KHPA meetings, and (2) allow members of the public to listen to the phone conversation.
 - E. The Executive Director sends a letter to the Secretary of State confirming that the Authority adopted the regulation by certified roll call vote.
8. **Publishing the adopted regulation.** The Secretary of State publishes the regulation and 15 days after publication the regulation becomes effective..